

# DECLARATION FOR PATENT APPLICATION

Docket No. **ENZ-53**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

## NOVEL PROPERTY EFFECTING AND/OR PROPERTY EXHIBITING COMPOSITIONS FOR THERAPEUTIC AND DIAGNOSTIC USES

the specification of which

(check one) ☐ is attached hereto.

☒ was filed on **December 15, 1995**, as U.S. Patent Application Serial No. 08/574,443 and was amended on \_\_\_\_\_, 1994 (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §156(a) which occurred between the filing date of the prior application and the national or PCT international filing date of the application:

_____	(Filing Date)	(Status-patented, pending, abandoned)
(Application Serial No.)	_____	_____
_____	(Filing Date)	(Status-patented, pending, abandoned)
(Application Serial No.)	_____	_____

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Ronald C. Fedus, Esq., Reg. No. 32,567.

Address all telephone calls to:  
Address all correspondence to:

Ronald C. Fedus, Esq., at telephone no. (212)-856-0876  
Ronald C. Fedus, Esq., Corporation & Patent Counsel  
Enzo Biochem, Inc.  
575 Fifth Avenue - 18th Floor  
New York, NY 10017

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor Elazar Rabbani  
Third Inventor's signature [Signature]  
Residence 69 Fifth Avenue (No. 19A) New York, New York 10003  
Post Office Address (Same as above)

Date DEC 20 1995  
Citizenship United States

Full name of second joint inventor, if any Jannis G. Stavrianopoulos  
First Inventor's signature [Signature]  
Residence 99 South Clinton Avenue (No. 11D) Bay Shore, New York 11706  
Post Office Address (Same as above)

Date 12/28/95  
Citizenship United States

Full name of third joint inventor, if any James J. Donegan  
Fourth Inventor's signature [Signature]  
Residence 210 East Broadway (No. 3G) Long Beach, New York 11561  
Post Office Address (Same as above)

Date 12/28/95  
Citizenship United States

Full name of fourth joint inventor, if any Dakai Liu  
Fourth Inventor's signature [Signature]  
Residence 2 Patricia Court Bethpage, New York 11714  
Post Office Address (Same as above)

Date 12/26/95  
Citizenship Republic of China

Full name of fifth joint inventor, if any Norman E. Kelker  
Second Inventor's signature [Signature]  
Residence 343 East 30th Street (No. 2J), New York, New York 10016  
Post Office Address (Same as above)

Date December 20, 1995  
Citizenship United States

Full name of sixth joint inventor, if any Dean L. Engelhardt  
Second Inventor's signature [Signature]  
Residence 173 Riverside Drive (No. 6D) New York, New York 10025  
Post Office Address (Same as above)

Date December 20, 1995  
Citizenship United States

\* \* \* \* \*

### ASSIGNMENT

In consideration of One Dollar (\$1.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, I, the undersigned,

Elazar Rabbani,  
Jannis G. Stavrianopoulos,  
James J. Donegan,  
Dakai Liu,  
Norman E. Kelker, and  
Dean L. Engelhardt,

RESIDING AT:

69 Fifth Avenue (No. 19A), New York, New York 10003;  
99 South Clinton Avenue (No. 11D), Bay Shore, New York 11706;  
210 East Broadway (No. 3G), Long Beach, New York 11561;  
2 Patricia Court, Bethpage, New York 11714;  
343 East 30th Street (No. 2J), New York, New York 10016; and  
173 Riverside Drive (No. 6D), New York, New York 10025; respectively.

Hereby sell, assign and transfer to: Enzo Therapeutics, Inc., a corporation of the State of New York, having a principal place of business at: 60 Executive Boulevard, Farmingdale, New York 11735-4716, its successors, assigns and legal representatives, the entire right, title and interest for the United States and all foreign countries, in and to any and all improvements which are disclosed in the application for United States Letters Patent, which has been executed by the undersigned concurrently herewith, and is entitled:

### NOVEL PROPERTY EFFECTING AND/OR PROPERTY EXHIBITING COMPOSITIONS FOR THERAPEUTIC AND DIAGNOSTIC USES


(said application having been filed on December, 15, 1995 and accorded U.S. Patent Application Serial No. 08/574,443 )

and in and to said application and all divisional, continuing, substitute, renewal, reissue, and all other applications for Letters Patent which have been or shall be filed in the United States and all foreign countries on any of said improvements; and in and to all original and reissued patents which have been or shall be issued in the United States and all foreign countries on said improvements:

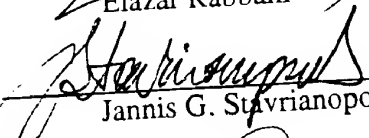
Agree that said Assignee may apply for and receive Letters Patent for said improvements in its own name, and that, when requested, without charge to but at the expense of said Assignee, its successors, assigns and legal representatives, to carry out in good faith the intent and purpose of this assignment, the undersigned will execute all divisional, continuing, substitute, renewal, reissue, and all other patent applications on any and all said improvements; execute all rightful oaths, assignments powers of attorney and other papers, communicate to said Assignee, its successors, assigns, and representatives, all facts known to the undersigned relating to said improvements and the history thereof; and generally do everything possible which said Assignee, its successors, assigns or representatives shall consider desirable for aiding in securing and maintaining proper patent protection for said improvements and for vesting title to said improvements and all applications for patents and all patents on said improvements, in said Assignee, its successors, assigns and legal representatives; and

Elazar Raobani et al.  
Serial No. 08/574,443  
Filed December 15, 1995 [Assignment]

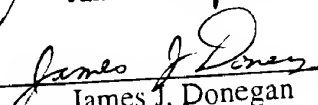
Covenant with said Assignee, its successors, assigns and legal representatives that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by the undersigned, and that full right to convey the same as herein expressed is possessed by the undersigned.

  
Elazar Rabbani

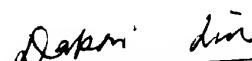
DEC 20 1995  
(date)

  
Jannis G. Stavrianopoulos

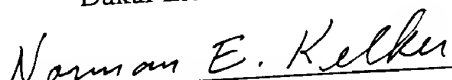
12/28/95  
(date)

  
James J. Donegan

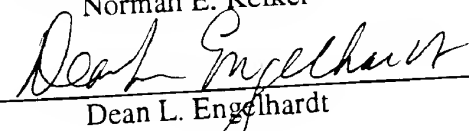
Dec 28, 1995  
(date)

  
Dakai Liu

Dec. 26, 1995  
(date)

  
Norman E. Kelker

December 20, 1995  
(date)

  
Dean L. Engelhardt

December 20, 1995  
(date)

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Elazar Rabbani et al.  
 Serial No.: 08/574,443  
 Filed: December 15, 1995  
 For: NOVEL PROPERTY EFFECTING AND/OR PROPERTY EXHIBITING COMPOSITIONS FOR THERAPEUTIC AND DIAGNOSTIC USES  
 Group Art Unit: Not Yet Known  
 Examiner: Not Yet Known

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9 (f) and 1.27 (c) ) - SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN ENZO THERAPEUTICS, INC.  
 ADDRESS OF CONCERN c/o ENZO BIOCHEM, INC.  
575 FIFTH AVENUE (18TH FLOOR)  
NEW YORK, NEW YORK 10017

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Rule 35, United States Code, in that the number of employees of the concern, including those of its affiliates does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled:

**NOVEL PROPERTY EFFECTING AND/OR PROPERTY EXHIBITING COMPOSITIONS FOR THERAPEUTIC AND DIAGNOSTIC USES**

by inventor(s) Elazar Rabbani et al.

described in

- ☐ the specification filed herewith  
☒ Application Serial No. 08/574,443, filed December 15, 1995  
☐ Patent No. \_\_\_\_\_, issued \_\_\_\_\_

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27).

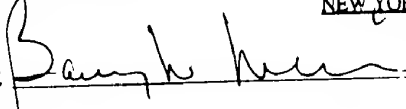
NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_  
☐ Individual ☐ Small Business Concern ☐ Nonprofit

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statement may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING BARRY W. WEINER  
 TITLE OF PERSON OTHER THAN OWNER EXECUTIVE VICE PRESIDENT  
 ADDRESS OF PERSON SIGNING 575 FIFTH AVENUE (18TH FLOOR)  
NEW YORK, NEW YORK 10017

SIGNATURE  DATE MARCH 8, 1996